



HOME FACTS - Vol. 11 No. 1, April, 2023, (Supersedes Vol. 2, No. 2, February 2009)

Topic

The purpose of this issue of HOME *FACTS* is to inform all HOME participating jurisdictions (PJs) that the right to draw HOME grant funds expires after nine fiscal years, including the fiscal year of the appropriation.

Background

Beginning with Fiscal Year (FY) 2015 (October 1, 2014 - September 30, 2015), Congress established a 4-year period of availability for the obligation of HOME Investment Partnerships (HOME) funds to participating jurisdictions (PJs). (See Department of Housing and Urban Development Appropriations Act, 2015, Pub. L. 113-235, Division K, Title II). Consequently, FY 2015 and later funds were or are available for obligation by HUD to PJs for four fiscal years, including the fiscal year of the appropriation.

Title 31 of the United States Code (U.S.C.) establishes rules governing the availability of appropriations for expenditure. After the end of the period of availability, HUD may no longer obligate appropriated funds to a PJ, but PJs may continue to draw down their HOME funds until the funds expire. (See 31 U.S.C. 1553(a)). Specifically, 31 U.S.C. 1552(a) states that, "on September 30th of the 5th FY after the period of availability for obligation of a fixed appropriation account ends, the account shall be closed and any remaining balance (whether obligated or unobligated) in the account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose." Five years from the end of the period of availability of the HOME funds, all remaining unexpended funds expire (the "expired funds" or "expiring funds") and neither HUD nor a PJ may use the expired funds for any purpose.

Example:

- In accordance with the Department of Housing and Urban Development Appropriations Act, 2015 (Pub. L. 113-235, Division K, Title II), the period of availability for FY 2015 HOME funds ended on September 30, 2018. Therefore, HUD could not obligate FY 2015 HOME funds to a PJ after September 30, 2018.
- While a PJ could continue using its FY 2015 HOME funds for eligible costs after September 30, 2018, the deadline for expending FY 2015 HOME funds is September 30, 2023, which is 5 years from the end of the period of availability.
- The U.S. Treasury will cancel FY 2015 HOME funds not expended by September 30, 2023 (whether obligated or unobligated) and the expired funds will no longer be available to the PJ.

HUD has no authority to suspend or extend the deadline for the expiration of funds, even in major disaster areas. Due to this, expired HOME funds will be canceled by the U.S. Treasury even if the funds are committed to a HOME project.

HOME Expiring Funds Report

To help PJs identify expiring HOME grant balances each year, the Office of Affordable Housing Programs (OAHP) provides an Expiring Funds Report identifying each PJ that has an expiring grant balance. The report also identifies balances in specific subfunds and subgrants to recipients that are included in each PJ's overall grant balance. The report provides data on the:

- Fiscal year of the available funds;
- State;
- Participating Jurisdiction;
- Recipient of funds (e.g., PJ, CHDO, subrecipient, state recipient);
- Fund type (e.g., EN, AD, CR, or SU);
- Balance of funds to commit;
- Drawdowns pending approval; and
- Balance of funds to draw.

OAHP posts this report monthly at: [HOME Expiring Funds Reports – HUD Exchange](#). As each year's deadline draws nearer, OAHP posts the report more frequently. IDIS users can run this report at any time in IDIS as the PR 44 HOME Expiring Funds Report.

If you have any questions regarding the treatment of expiring HOME funds under 31 U.S.C. 1552(a) or need assistance in identifying remaining grant balances, please contact Marcia.Wadsworth@hud.gov or Danielle.Frazier@hud.gov in OAHP.